

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHERRIE J. MONTOYA,

Plaintiff,

v.

CIV No. 14-0836 LH/SMV

CAROLYN W. COLVIN,

Acting Commissioner of Social Security Administration,

Defendant.


**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED
FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 28] ("PF&RD"), issued on August 3, 2015. On reference by the Court, [Doc. 12], the Honorable Stephan M. Vidmar, United States Magistrate Judge, found that the Administrative Law Judge had impermissibly failed either to include certain limitations in the residual functional capacity assessment or to explain why such limitations should not have been included. [Doc. 28]. Accordingly, he recommended that Plaintiff's Motion to Remand or Reverse [Doc. 20] be granted and that, pursuant to 42 U.S.C. § 405(g) (sentence four), the case be remanded for further proceedings consistent with the PF&RD. [Doc. 28]. No objections were filed, and the time for doing so has passed. Accordingly, the Court will adopt the PF&RD.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 28] are **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Remand or Reverse [Doc. 20] is **GRANTED**. This case shall be **REMANDED** for further proceedings in accordance with the PF&RD [Doc. 28].

IT IS SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE